

**Executive Summary – Enforcement Matter – Case No. 50024**  
**City of Baird**  
**RN101720969**  
**Docket No. 2015-0177-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Baird WWTP, located immediately east of the TP Lake Dam and immediately south of the Texas-Pacific Railroad right-of-way, Callahan County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: No

**Texas Register Publication Date:** August 28, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$28,621

**Amount Deferred for Expedited Settlement:** \$5,724

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$637

**Total Due to General Revenue:** \$22,260

Payment Plan: 35 payments of \$636 each

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major or Minor Source:** Minor

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50024**  
**City of Baird**  
**RN101720969**  
**Docket No. 2015-0177-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:**

**Date(s) of Investigation:** December 16, 2014

**Date(s) of NOE(s):** January 16, 2015

***Violation Information***

1. Failed to collect and analyze effluent samples for *Escherichia coli* ("*E. coli*"). Specifically, the Respondent did not collect and analyze samples for *E. coli* for the monitoring periods ending May 31, 2014 through November 30, 2014 [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), 319.1, 319.4, and 319.5(b), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010037001, Monitoring and Reporting Requirements Nos. 1 and 3.a.].
2. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the Respondent did not submit non-compliance notifications for ammonia-nitrogen daily average concentration violations that occurred during the monitoring periods ending January 31, 2014; February 28, 2014; March 31, 2014; April 30, 2014; and May 31, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010037001, Monitoring and Reporting Requirements No. 7(c)].
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office by September 30, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010037001, Sludge Provisions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By December 16, 2014, updated operational guidance and conducted employee training to ensure that all effluent parameters, including *E. coli*, are monitored at the frequencies specified in the permit; all effluent violations which deviate from the permitted limit by more than 40% are properly reported to the TCEQ; and all reporting procedures are properly accomplished for annual sludge reports.
- b. By December 31, 2014, began collecting and analyzing effluent samples for *E. coli*.

**Executive Summary – Enforcement Matter – Case No. 50024**

**City of Baird**

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**Docket No. 2015-0177-MWD-E**

c. By March 2, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Had Darling, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Jeff Barton, Mayor, City of Baird, 328 Market Street, Baird, Texas 79504

**Respondent's Attorney:** N/A





Policy Revision 4 (April 2014)

## Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 20-Jan-2015 | <b>Screening</b> | 30-Jan-2015 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 18-Jun-2015 |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |               |
|-----------------------------|---------------|
| <b>Respondent</b>           | City of Baird |
| <b>Reg. Ent. Ref. No.</b>   | RN101720969   |
| <b>Facility/Site Region</b> | 3-Abilene     |
| <b>Major/Minor Source</b>   | Minor         |

## CASE INFORMATION

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 50024           | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2015-0177-MWD-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Water Quality   | <b>Government/Non-Profit</b> | Yes                |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Had Darling        |
|  |                 | <b>EC's Team</b>             | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$25,000           |

## Penalty Calculation Section

|   |                   |          |
|---|-------------------|----------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$32,750 |
|---|-------------------|----------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

|                           |                   |                                |         |
|---------------------------|-------------------|--------------------------------|---------|
| <b>Compliance History</b> | 28.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$9,170 |
|---------------------------|-------------------|--------------------------------|---------|

Notes: Enhancement for one order with denial of liability and four months of self-reported effluent violations.

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |          |
|--|-------------------|----------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | -\$8,149 |
|--|-------------------|----------|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts: \$270  
Estimated Cost of Compliance: \$1,000  
\*Capped at the Total EB \$ Amount

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$33,771 |
|-----------------------------|-----------------------|----------|

|   |        |                   |          |
|---|--------|-------------------|----------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | -15.2% | <b>Adjustment</b> | -\$5,150 |
|---|--------|-------------------|----------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that the reporting violations do not overly impact the penalty.

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$28,621 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$28,621 |
|-----------------------------------|-------------------------------|----------|

|                 |                 |                   |          |
|-----------------|-----------------|-------------------|----------|
| <b>DEFERRAL</b> | 20.0% Reduction | <b>Adjustment</b> | -\$5,724 |
|-----------------|-----------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

|                        |          |
|------------------------|----------|
| <b>PAYABLE PENALTY</b> | \$22,897 |
|------------------------|----------|

Screening Date 30-Jan-2015

Docket No. 2015-0177-MWD-E

PCW

Respondent City of Baird

Policy Revision 4 (April 2014)

Case ID No. 50024

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101720969

Media [Statute] Water Quality

Enf. Coordinator Had Darling

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 0                 | 0%      |
|                               | Other written NOVs   | 4                 | 8%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1                 | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )                               | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |

Please Enter Yes or No

|       |   |    |    |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more  | No | 0% |
|       | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program       | No | 0% |
|       | Participation in a voluntary pollution reduction program  | No | 0% |
|       | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 28%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one order with denial of liability and four months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 28%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 28%

|                                |   |   |                 |            |
|--------------------------------|---|---|-----------------|------------|
| <b>Screening Date</b>          | 30-Jan-2015   | <b>Docket No.</b>   | 2015-0177-MWD-E | <b>PCW</b> |
| <b>Respondent</b>              | City of Baird   | Policy Revision 4 (April 2014)<br>PCW Revision March 26, 2014 |                 |            |
| <b>Case ID No.</b>             | 50024   |   |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN101720969   |   |                 |            |
| <b>Media [Statute]</b>         | Water Quality   |   |                 |            |
| <b>Enf. Coordinator</b>        | Had Darling   |   |                 |            |
| <b>Violation Number</b>        | 1   |   |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code §§ 305.125(1), 305.125(11)(A), 319.1, 319.4, and 319.5(b), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010037001, Monitoring and Reporting Requirements Nos. 1 and 3.a   |   |                 |            |
| <b>Violation Description</b>   | Failed to collect and analyze effluent samples for Escherichia coli ("E. coli"), as documented during an investigation conducted on December 16, 2014. Specifically, the Respondent did not collect and analyze samples for E. coli for the monitoring periods ending May 31, 2014 through November 30, 2014. |   |                 |            |
|                                |   | <b>Base Penalty</b>   | \$25,000        |            |

  

**>> Environmental, Property and Human Health Matrix**

|           |                |                      |                      |                      |                |       |
|-----------|----------------|----------------------|----------------------|----------------------|----------------|-------|
|           | <b>Release</b> |                      | <b>Harm</b>          |                      |                |       |
|           |                | Major                | Moderate             | Minor                |                |       |
| <b>OR</b> | Actual         | <input type="text"/> | <input type="text"/> | <input type="text"/> | <b>Percent</b> | 15.0% |
|           | Potential      | x                    | <input type="text"/> | <input type="text"/> |                |       |

  

**>> Programmatic Matrix**

|  |                      |                      |                      |                      |                     |
|--|----------------------|----------------------|----------------------|----------------------|---------------------|
|  | Falsification        | Major                | Moderate             | Minor                |                     |
|  | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |                     |
|  |                      |                      |                      |                      | <b>Percent</b> 0.0% |

**Matrix Notes**

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

  

**Adjustment**
\$21,250

\$3,750

  

**Violation Events**

Number of Violation Events 
 Number of violation days

mark only one with an x

|              |                      |
|--------------|----------------------|
| daily        | <input type="text"/> |
| weekly       | <input type="text"/> |
| monthly      | x                    |
| quarterly    | <input type="text"/> |
| semiannual   | <input type="text"/> |
| annual       | <input type="text"/> |
| single event | <input type="text"/> |

**Violation Base Penalty**
\$26,250

Seven monthly events are recommended.

  

**Good Faith Efforts to Comply**
**25.0%**

**Reduction**
\$6,562

Before NOE/NOV
NOE/NOV to EDPRP/Settlement Offer

|               |                      |                      |
|---------------|----------------------|----------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary      | x                    | <input type="text"/> |
| N/A           | <input type="text"/> | (mark with x)        |

**Notes**

The Respondent returned to compliance by December 31, 2014.

**Violation Subtotal**
\$19,688

  

**Economic Benefit (EB) for this violation**
**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** City of Baird  
**Case ID No.** 50024  
**Reg. Ent. Reference No.** RN101720969  
**Media** Water Quality  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |       |            |             |      |     |     |     |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        | \$250 | 1-May-2014 | 31-Dec-2014 | 0.67 | \$8 | n/a | \$8 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all effluent parameters, including E. coli, are monitored at the frequency specified in the permit. Date required is the first month that E. coli samples should have been collected. Final date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |       |            |             |      |     |       |       |
|-------------------------------|-------|------------|-------------|------|-----|-------|-------|
| Disposal                      |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling | \$175 | 1-May-2014 | 30-Nov-2014 | 0.58 | \$5 | \$102 | \$107 |
| Supplies/Equipment            |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Other (as needed)             |       |            |             | 0.00 | \$0 | \$0   | \$0   |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to collect and analyze samples for E. coli (\$25 x 7 missed samples). Date required is the date the E. coli limits became effective and the final date is the last month that E. coli samples were not collected and analyzed.

|                            |       |              |       |
|----------------------------|-------|--------------|-------|
| Approx. Cost of Compliance | \$425 | <b>TOTAL</b> | \$116 |
|----------------------------|-------|--------------|-------|



Screening Date 30-Jan-2015

Docket No. 2015-0177-MWD-E

PCW

Respondent City of Baird

Policy Revision 4 (April 2014)

Case ID No. 50024

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101720969

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010037001,  
Monitoring and Reporting Requirements No. 7(c)

Violation Description

Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, as documented during an investigation conducted on December 16, 2014. Specifically, the Respondent did not submit non-compliance notifications for ammonia-nitrogen daily average concentration violations that occurred during the monitoring periods ending January 31, 2014; February 28, 2014; March 31, 2014; April 30, 2014; and May 31, 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0.0%

## &gt;&gt; Programmatic Matrix

| Falsification |       |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               | x     |          |       |

Percent 5.0%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 5

312 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$6,250

Five single events are recommended, one for each notification.

## Good Faith Efforts to Comply

25.0%

Reduction \$1,562

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |               |
|---------------|---|---------------|
| Extraordinary |   |               |
| Ordinary      | x |               |
| N/A           |   | (mark with x) |

Notes

The Respondent returned to compliance by December 16, 2014.

Violation Subtotal \$4,688

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$5,456

This violation Final Assessed Penalty (adjusted for limits) \$5,456

## Economic Benefit Worksheet

**Respondent** City of Baird  
**Case ID No.** 50024  
**Reg. Ent. Reference No.** RN101720969  
**Media** Water Quality  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |       |            |             |      |      |     |      |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment                |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Engineering/Construction |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Land                     |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        | \$250 | 5-Feb-2014 | 16-Dec-2014 | 0.86 | \$11 | n/a | \$11 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        |       |            |             | 0.00 | \$0  | n/a | \$0  |

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all monitoring and reporting requirements are met, including the submittal of written reports to the TCEQ for effluent violations which deviate by more than 40% from the permitted effluent limitation. Date required is the investigation date. Final date is the date of compliance.

### Avoided Costs

#### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |       |            |            |      |     |       |       |
|-------------------------------|-------|------------|------------|------|-----|-------|-------|
| Disposal                      |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Supplies/Equipment            |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$125 | 7-Feb-2014 | 5-Jun-2014 | 1.24 | \$8 | \$125 | \$133 |
| Other (as needed)             |       |            |            | 0.00 | \$0 | \$0   | \$0   |

Notes for AVOIDED costs

Estimated cost that was avoided by failing to submit the noncompliance notifications (\$25 per notification x 5 missed notifications). Date required is the date the first notification was due. Final date is the date the last notification was due.

Approx. Cost of Compliance

\$375

**TOTAL**

\$144

Screening Date 30-Jan-2015

Docket No. 2015-0177-MWD-E

PCW

Respondent City of Baird

Policy Revision 4 (April 2014)

Case ID No. 50024

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101720969

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010037001, Sludge Provisions

## Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office by September 30, 2014, as documented during an investigation conducted on December 16, 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0.0%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          | X     |

Percent 1.0%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

122 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

10.0%

Reduction \$25

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                | X                                 |
| N/A           |                | (mark with x)                     |

Notes

The Respondent returned to compliance by March 2, 2015.

Violation Subtotal \$225

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

## Economic Benefit Worksheet

**Respondent** City of Baird  
**Case ID No.** 50024  
**Reg. Ent. Reference No.** RN101720969  
**Media** Water Quality  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |       |            |            |      |     |     |     |
|--------------------------|-------|------------|------------|------|-----|-----|-----|
| Equipment                |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |       |            |            | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    | \$50  | 5-Feb-2014 | 2-Mar-2015 | 1.07 | \$3 | n/a | \$3 |
| Training/Sampling        | \$150 | 5-Feb-2014 | 2-Mar-2015 | 1.07 | \$8 | n/a | \$8 |
| Remediation/Disposal     |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |            |            | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The first delayed cost is the estimated amount to submit the annual sludge report for the monitoring period ending July 31, 2014. Date required is the date the sludge report was due. Final date is the date the sludge report was received.

The second delayed cost includes the estimated amount to update operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished for annual sludge reports. The date required is the date the sludge report was due and the final date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

**TOTAL** \$11

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600634182, RN101720969, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600634182, City of Baird

**Classification:** SATISFACTORY

**Rating:** 0.89

**Regulated Entity:** RN101720969, CITY OF BAIRD WWTP

**Classification:** SATISFACTORY

**Rating:** 2.67

**Complexity Points:** 4

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** IMMEDIATELY EAST OF THE TP LAKE DAM AND IMMEDIATELY SOUTH OF THE TEXAS-PACIFIC RAILROAD  
RIGHT-OF-WAY IN CALLAHAN COUNTY, TEXAS

**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010037001

**WASTEWATER EPA ID** TX0053384

**WASTEWATER LICENSING LICENSE** WQ0010037001

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** April 01, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 01, 2010 to April 01, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Raymond Mejia

**Phone:** (512) 239-5460

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 01/12/2015 ADMINORDER 2014-0813-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Eff. Limitations & Monitoring Req. No. 1 PERMIT  
Description: Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE §26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010037001, Effluent Limitations and Monitoring Requirements No. 1.

#### **EFFLUENT VIOLATION TABLE**

Permitted Effluent Limits June 2013 August 2013 September 2013 January 2014 February

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

|         |                    |           |
|---------|--------------------|-----------|
| Item 1  | April 15, 2010     | (832619)  |
| Item 2  | May 14, 2010       | (832620)  |
| Item 3  | June 16, 2010      | (846815)  |
| Item 4  | July 14, 2010      | (861326)  |
| Item 5  | August 23, 2010    | (959907)  |
| Item 6  | August 25, 2010    | (867506)  |
| Item 7  | September 18, 2010 | (874514)  |
| Item 8  | October 14, 2010   | (882091)  |
| Item 9  | November 10, 2010  | (888561)  |
| Item 10 | December 07, 2010  | (896906)  |
| Item 11 | January 18, 2011   | (902851)  |
| Item 12 | February 15, 2011  | (909702)  |
| Item 13 | March 28, 2011     | (916918)  |
| Item 14 | April 02, 2011     | (938639)  |
| Item 15 | May 17, 2011       | (938640)  |
| Item 16 | June 21, 2011      | (946005)  |
| Item 17 | September 20, 2011 | (965946)  |
| Item 18 | October 17, 2011   | (971988)  |
| Item 19 | November 18, 2011  | (978153)  |
| Item 20 | December 12, 2011  | (984923)  |
| Item 21 | January 17, 2012   | (991212)  |
| Item 22 | February 17, 2012  | (998579)  |
| Item 23 | March 22, 2012     | (1004108) |
| Item 24 | May 21, 2012       | (1017049) |
| Item 25 | June 20, 2012      | (1024814) |
| Item 26 | July 23, 2012      | (1032171) |
| Item 27 | August 20, 2012    | (1038599) |
| Item 28 | September 25, 2012 | (1047468) |
| Item 29 | October 22, 2012   | (1064005) |
| Item 30 | November 26, 2012  | (1064006) |
| Item 31 | December 27, 2012  | (1064007) |
| Item 32 | January 28, 2013   | (1080298) |
| Item 33 | February 26, 2013  | (1080297) |
| Item 34 | March 20, 2013     | (1089939) |
| Item 35 | April 24, 2013     | (1096334) |
| Item 36 | May 23, 2013       | (1107278) |
| Item 37 | June 27, 2013      | (1110943) |
| Item 38 | August 27, 2013    | (1125601) |
| Item 39 | November 26, 2013  | (1141316) |
| Item 40 | December 23, 2013  | (1147781) |
| Item 41 | January 22, 2014   | (1153833) |
| Item 42 | September 25, 2014 | (1206434) |
| Item 43 | October 24, 2014   | (1212844) |
| Item 44 | November 25, 2014  | (1219098) |
| Item 45 | December 22, 2014  | (1224880) |
| Item 46 | January 23, 2015   | (1231658) |

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

|   |              |   |           |                          |
|---|--------------|---|-----------|--------------------------|
| 1 | Date:        | 04/30/2014                                | (1181147) | CN600634182              |
|   | Self Report? | YES                                       |           | Classification: Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a) |           |                          |

|   |              |  |                 |          |
|---|--------------|--|-----------------|----------|
|   |              | 30 TAC Chapter 305, SubChapter F 305.125(1)  |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter                               |                 |          |
| 2 | Date:        | 05/31/2014 (1188047)   | CN600634182     |          |
|   | Self Report? | YES  | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter                               |                 |          |
| 3 | Date:        | 06/30/2014 (1199596)   | CN600634182     |          |
|   | Self Report? | YES  | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter                               |                 |          |
| 4 | Date:        | 07/31/2014 (1199597)   | CN600634182     |          |
|   | Self Report? | YES  | Classification: | Moderate |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter                               |                 |          |

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF BAIRD  
RN101720969**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0177-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Baird (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located immediately east of the TP Lake Dam and immediately south of the Texas-Pacific Railroad right-of-way in Callahan County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 21, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Eight Thousand Six Hundred Twenty-One Dollars (\$28,621) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred

Thirty-Seven Dollars (\$637) of the administrative penalty and Five Thousand Seven Hundred Twenty-Four Dollars (\$5,724) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Two Thousand Two Hundred Sixty Dollars (\$22,260) of the administrative penalty shall be payable in 35 monthly payments of Six Hundred Thirty-Six Dollars (\$636) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By December 16, 2014, updated operational guidance and conducted employee training to ensure that all effluent parameters, including *Escherichia coli* ("*E. coli*"), are monitored at the frequencies specified in the permit; all effluent violations which deviate from the permitted limit by more than 40% are properly reported to the TCEQ; and all reporting procedures are properly accomplished for annual sludge reports.
  - b. By December 31, 2014, began collecting and analyzing effluent samples for *E. coli*.
  - c. By March 2, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to collect and analyze effluent samples for *E. coli*, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), 319.1, 319.4, and 319.5(b), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010037001, Monitoring and Reporting Requirements Nos. 1 and 3.a, as documented during an investigation conducted on December 16, 2014. Specifically, the Respondent did not collect and analyze samples for *E. coli* for the monitoring periods ending May 31, 2014 through November 30, 2014.
2. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010037001, Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on December 16, 2014. Specifically, the Respondent did not submit non-compliance notifications for ammonia-nitrogen daily average concentration violations that occurred during the monitoring periods ending January 31, 2014; February 28, 2014; March 31, 2014; April 30, 2014; and May 31, 2014.
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office by September 30, 2014, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010037001, Sludge Provisions, as documented during an investigation conducted on December 16, 2014.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

"TCEQ" and shall be sent with the notation "Re: City of Baird, Docket No. 2015-0177-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Romona M. Murre  
For the Executive Director

12/2/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Jess Barton  
Signature

7-7-15  
Date

Jess Barton  
Name (Printed or typed)  
Authorized Representative of  
City of Baird

MAYOR  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.